



MEMORANDUM

Agenda Item No. 7(L)(1)(A)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. DATE: and Members, Board of County Commissioners

January 20, 2004

FROM: George A. Burgess
County Manager

A handwritten signature in black ink, appearing to read "George A. Burgess", is written over the printed name and title.

SUBJECT: Recommendation to
Waive the
Residency and/or
Qualified
Elector Requirement
for Appointees to
the Miami-Dade
HIV/AIDS
Partnership

RECOMMENDATION

It is hereby recommended that the Board waive the residency and qualified elector requirements set forth in Section 2.11.38 of the Code of Miami-Dade County and imposed on members of Miami-Dade County boards to allow the following appointees to the Miami-Dade HIV/AIDS Partnership (Partnership) to become members under their respective federally mandated membership category:

Jennifer Burrell	Representative of the local Ryan White C.A.R.E. Act HIV/AIDS Dental Reimbursement Program;
Ann Carter	Representative of the local Ryan White C.A.R.E. Act Title IV grantee/agency with history of serving children, youth and women with HIV disease and their families;
Lucille Gadlin	Representative of individuals with HIV disease and historically underserved populations;
Evelyn Lovera	Representative of the local Ryan White AIDS Education and Training Center (AETC);
Juanita Mincey	Representative of a federally funded HIV prevention program;
Nicole Montgomery	Representative of the local Hospital/ Health Care Planning Agency.

BACKGROUND

In 1998 the Board of County Commissioners approved the creation of the Miami-Dade HIV/AIDS Partnership (Partnership) to enable the County and other government entities (the City of Miami and the State of Florida) to apply for, receive, plan for, assess, and allocate financial assistance under the Ryan White Comprehensive AIDS Resources Emergency (C.A.R.E.) Act, as amended in 1996 and 2000, the HIV Prevention and Surveillance Cooperative Agreements, Healthy Communities 2000 Objectives, AIDS Housing Opportunity Act, Housing and Community Development Act of 1992, State of Florida General Revenue Care and Treatment allocations, and other HIV/AIDS related funding as it becomes available. The Partnership also serves as an advisory board on HIV/AIDS related issues to the Board of County Commissioners, the Mayor, and other government entities. The Partnership is composed of 39 voting members who represent 27 individual membership categories, including the federally required seats addressed in this memorandum.

The Mayor, in accordance with Ordinance 02-35, Section 2 (d), has sole authority for appointments to the Partnership. Ms. Jennifer Burrell, Ms. Ann Carter, Ms. Lucille Gadlin, Ms. Evelyn Lovera, Reverend Juanita Mincey, and Ms. Nicole Montgomery were appointed by the Mayor to represent agencies receiving grants under federally funded HIV programs as required under the Ryan White C.A.R.E. Act. In order for these individuals to exercise voting rights on the Partnership, the residency and/or qualified elector requirement must be individually waived for the reasons explained below.

Jennifer Burrell and Ann Carter: The University of Miami (U.M.), the only local recipient of federal funds under the AIDS Dental Reimbursement Program and Title IV of the Ryan White C.A.R.E. Act, has identified Ms. Burrell, administrator of the U.M. AIDS Dental Reimbursement Program, and Ms. Ann Carter, Administrative Director of the U.M. Comprehensive AIDS Program, as its representatives to the Partnership, respectively, for these programs. Ms. Burrell is an expert in the administration and delivery of dental services for persons infected with HIV. She has over 20 years of experience in the field of dentistry. Ms. Ann Carter has been involved in the administration of federal funds and in the provision of medical and social support services to women, children and families impacted by the HIV virus for more than 18 years. These individuals are experts in their fields and are committed to serving HIV/AIDS infected and affected individuals in our community. Both currently reside in Broward County and therefore are neither residents nor qualified electors of Miami-Dade.

Lucille Gadlin: An active representative of individuals living with HIV/AIDS and of historically underserved populations, Ms. Gadlin is a Black/African American consumer of Ryan White Title I services. Ms. Gadlin has first-hand knowledge of the disease and of the medical and social service needs of Black women who are HIV+. In addition, Ms. Gadlin brings to the Partnership unique and very valuable input as a formerly incarcerated HIV+ female, a severely underserved segment of the HIV population. Due to her formerly incarcerated status, Ms. Gadlin does not have the right to vote in Miami-Dade County. Presently, Ms. Gadlin is awaiting restoration of her voting rights by the State of Florida. Until her voting rights are restored, Ms. Gadlin does not meet the criteria of qualified elector and requires a waiver from the Board of County Commissioners to allow her to participate as a voting member of the Partnership.

Evelyn Lovera: As the South-East Regional Coordinator for the Florida/Caribbean AIDS Education and Training Center (AETC), the only such training center in our region, Ms. Lovera has been identified by the AETC as its representative to the Partnership. Ms. Lovera brings to the Partnership expertise in Public Health Service guidelines for treatment of HIV infected persons and on the training of medical providers to enhance quality of care. In addition, she is a member of the Miami-Dade County Department of Health Syphilis Elimination Task Force and can bring to the Partnership information on this closely related sexually transmitted disease. Ms. Lovera is also an active member of the National Minority AIDS Council and the Miami-Dade Hispanic HIV/AIDS Coalition. At the present time, Ms. Lovera resides in Broward County and, consequently, does not meet the residency and qualified elector requirements.

Reverend Juanita Mincey: As Executive Director of Christ Crusaders, Inc., a well-established provider of HIV prevention and care and treatment services in Miami-Dade County, Reverend Mincey has dedicated over 16 years to serving underserved populations primarily persons living with HIV/AIDS, substance abusers, women, youth, and children residing in the areas of Carol City, Opa Locka, and Miami Lakes. Her expertise and interest in serving these groups are valuable assets to the Partnership. Reverend Mincey is a resident of Broward County and, therefore, is not presently a resident nor a qualified elector of Miami-Dade.

Nicole Montgomery: The Health Council of South Florida has identified Ms. Montgomery as its representative to the Partnership. As the only local hospital/health care-planning organization in Miami-Dade, the Health Council must be represented on the Partnership as required under the Ryan White C.A.R.E. Act. Ms. Montgomery is the Director of the AIDS Insurance Continuation Program, which is administered by the Health Council. She possesses

more than a decade of professional work experience in the area of health insurance for individuals with HIV/AIDS. She is also well versed on HIV prevention, as well as the planning of health and support services for persons living with HIV. Ms. Montgomery is a resident of Broward County and does not meet the requirement of resident and qualified elector of Miami-Dade County.

It is further recommended that the Board extend this waiver to Jennifer Burrell, Ann Carter, Lucille Gadlin, Evelyn Lovera, Juanita Mincey, and Nicole Montgomery in the event they are reappointed by the Mayor to serve as a member of the Partnership and their residency and/or qualified elector status remains as previously described herein.

The full participation of these members on the Partnership is appropriate and necessary in order to ensure compliance with the membership requirements of the Ryan White C.A.R.E. Act. It is therefore recommended that the Board approve the requested waivers. Pursuant to Board rules, these waivers will require a two-thirds (2/3) vote in favor of each individual listed to permit their membership on the Miami-Dade HIV/AIDS Partnership.

Com Burrell 1/5/04



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(L)(1)(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(L)(1)(A)
1-20-04

RESOLUTION NO. _____

RESOLUTION WAIVING THE REQUIREMENT THAT MEMBERS OF THE
MIAMI-DADE HIV/AIDS PARTNERSHIP BE RESIDENTS AND
QUALIFIED ELECTORS OF MIAMI-DADE COUNTY

WHEREAS, this Board desires to accomplish the purposes outlined
in the accompanying memorandum, a copy of which is incorporated
herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Board waives the residency and qualified
elector requirement by a two-thirds (2/3) vote of its members for
Jennifer Burrell, Ann Carter, Evelyn Lovera, Juanita Mincey, and
Nicole Montgomery to permit their membership on the Miami-Dade
HIV/AIDS Partnership.

Section 2. The Board waives the qualified elector
requirement by a two-thirds (2/3) vote of its members for Lucille
Gadlin to permit her membership on the Miami-Dade HIV/AIDS
Partnership.

Section 3. The Board further extends this waiver to
Jennifer Burrell, Ann Carter, Evelyn Lovera, Juanita Mincey, Nicole
Montgomery and Lucille Gadlin in the event they are reappointed by
the Mayor to serve as a member of the Partnership and their
residency and/or qualified elector status remains the same.

The foregoing resolution was offered by Commissioner
 , who moved its adoption. The motion was
 seconded by Commissioner
 and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as to form and legal sufficiency. TS
Terrence A. Smith

By: _____
Deputy Clerk